

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of parts 2 and 25 of the)
Commission's Rules to Permit)
Operation of NGSO FSS Systems)
Co-Frequency with GSO and)
Terrestrial Systems in the Ku-Band)
Frequency Range and Amendment)
of the Commission's Rules to Authorize)
Subsidiary Terrestrial Use of the 12.2-)
12.7 GHz Band by Direct Broadcast)
Satellite Licensees and Their Affiliates)

ET Docket No. 98-206
RM-9147
RM-9245

To: The Commission

COMMENTS OF THE ASSOCIATION OF AMERICAN RAILROADS

The Association of American Railroads ("AAR"), by its undersigned counsel, pursuant to section 1.415 of the rules of the Federal Communications Commission ("Commission")^{1/} and the *Order* released February 5, 1999,^{2/} hereby submits its comments in response to the above captioned *Notice of Proposed Rule Making*^{3/} concerning the introduction of NGSO FSS operations in the 10.7-11.7 GHz frequency range ("11 GHz Band").

^{1/} See 47 C.F.R. § 1.415.

^{2/} *Order*, DA 99-284, (released February 5, 1999) (Due dates for filing comments and reply comments in this proceeding extended to March 2, 1999, and March 29, 1999, respectively.)

^{3/} ET Docket No. 98-206, *Notice of Proposed Rule Making*, (FCC 98-310), (released November 24, 1998) ("Notice").

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AAR is a voluntary, non-profit organization composed of Class I member railroad companies operating in the United States, Canada and Mexico. AAR is the joint representative and agent of these railroads in connection with federal regulatory matters of common concern to the industry as a whole, including matters pertaining to regulation of communications. The North American railroad industry deploys and depends upon a comprehensive and sophisticated network of point-to-point Fixed Service (FS) microwave systems used to carry voice and data traffic which is integral to the minute-to-minute management and control of train movements throughout the rail network. Accordingly, AAR has a vested interest in any Commission proceeding that may impact the railroad industry's access to spectrum to fulfil its critical needs.

AAR recognizes that the Commission is obligated to accommodate -- to the extent possible -- the spectrum needs of emerging new services. In doing so, however, the Commission must take into account the vital spectrum needs of incumbent users. AAR believes that the Commission's proposal to permit NGSO FSS operations in the 11 GHz Band may threaten the operational integrity and future spectrum needs of the existing Fixed Service (FS) users of the band.

AAR's concerns in this regard have been incorporated in the comments of the Fixed Wireless Communications Coalition ("FWCC"), being filed this date under separate cover in this proceeding. The FWCC represents the federal communications policy interests of local competitive wireless carriers, manufacturers, service providers, private microwave licensees, and their representative associations, including AAR.

Accordingly, AAR supports the comments submitted by the FWCC, and urges the Commission to act in accordance therewith.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

By:

A handwritten signature in dark ink, appearing to read 'Thomas J. Keller', is written over a horizontal line.

Thomas J. Keller

John M. R. Kneuer

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Date: March 2, 1999

Certificate of Service

I, Helene McGrath, of the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, hereby certify that a copy of the foregoing was served this 2nd day of March, 1999, via first class mail, postage prepaid, upon the following:

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